

Children and Young People's Service

Policy for Schools

Flexible Working Policy for Parents and Carers

September 2008

Flexible Working Policy for Parents and Carers

1 Scope

This policy applies to all school employees, both full time and part time, who have:

- parental responsibilities for a child under the age of six (or eighteen if the child is disabled); and/or
- caring responsibilities for a qualifying adult.

2 Legal Framework

In April 2003 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly.

From April 2007 this right has been extended to cover carers of qualifying adults.

3 Flexible Working Arrangements

Under this policy, an application to work flexibly can cover:

- hours of work
- times of work
- home-working (whether for all or part of a week)

This policy covers working patterns such as annualised hours, compressed hours, job-sharing, shift working, part-time working, flexi-time, staggered hours, term-time working and school hours working.

4 Definition of a Parent

To qualify as a parent, employees must have parental responsibility for a child.

This includes biological parents, legal guardians, adoptive and foster parents and spouses of these, including same sex partners as long as they have parental responsibility for the child.

5 Definition of a Carer

To qualify as a carer, employees must be or expect to be caring for an adult who:

- is married to, or the partner or civil partner of the employee; or
- is a relative of the employee; or
- falls into neither of the above categories, but lives at the same address as the employee.

For the purpose of this policy, a relative covers parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents or step-relatives.

6 Qualifying Conditions

To qualify for the right to request flexible working arrangements, employees must:

- have worked for the employer for 26 weeks continuously at the date the application is made.
- not have made another application to work flexibly under this right during the past 12 months.

7 Applying for Flexible Working Arrangements

Employees wishing to request flexible working must put their request in writing to the headteacher, by completing the 'Flexible Working Request Form for Parents and Carers', which can be found at Appendix 1. In order for an application to be considered, it is the employee's responsibility to provide sufficient information on the application form. The employee must specify a start date for the proposed change giving her/his headteacher reasonable time to consider the proposal and implement it (if authorised).

Within 28 days of receiving the request, the headteacher must arrange a meeting with the employee to discuss the request. The purpose of the initial meeting is to explore the desired working hours/pattern of work and discuss how it might be accommodated. It will also be an opportunity to consider suitable alternative working arrangements.

All employees have the right to be accompanied by a work colleague or trade union representative at this meeting.

If, however, the headteacher agrees to the employee's request to change her/his working hours/pattern of work this meeting is not required, as long as the headteacher notifies the employee accordingly in writing, within 28 days of receiving the application.

The headteacher must then ensure that the school's payroll provider is notified of the change and, in Community, VA and VC schools, complete a Contractual Changes form and forward this to **People Services (Schools Team), HR, Saxon Court, 502 Avebury Boulevard, Milton Keynes, MK9 3HS** for processing.

Note: for the purposes of this policy, the headteacher will consider the request; however, where the Headteacher is the applicant, the request must be made and considered by the Chair of Governors.

8 Headteacher's Response

Following on from the above meeting (if required), the headteacher has 14 days to respond to the individual in writing. The headteacher must either:

- accept the request and establish a start date; or
- confirm a compromise agreed at the meeting; or
- reject the request and set out clear business reasons for the rejection (see below), together with notification of the appeal process.

9 Business Considerations

Applications for flexible working arrangements can only be refused on the following grounds:

- the burden of additional costs;
- detrimental effect to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes.

10 Where the Request is Agreed

If the employee's request is agreed, this will be for a trial period of three months in the first instance. At the end of the three month period, the headteacher will meet with the individual to discuss the success, or not, of the new working arrangements. If either party is finding the new working arrangements unworkable, a new agreement will be reached. If both the employee and the headteacher consider the new arrangements to be successful, the change will become permanent from this point.

An employee has no automatic right to change back to her/his previous pattern of work, unless the application seeks the variation for a specified time period only and the temporary change of hours was agreed by the headteacher. If an employee chooses to revert back to her/his previous hours or further change her/his flexible working arrangements, s/he will need to complete another 'Flexible Working Request Form for Parents and Carers'.

11 If a Request is Declined

If a request is declined an employee can make a further request at a later date, but s/he must wait 12 months from the date on which her/his last request was made before making any further requests.

12 Appeal procedure

If an employee wishes to appeal against a decision, s/he must write to the headteacher within 10 days of the formal response being received in writing. The appeal must set out the grounds of the appeal and it must be dated.

A meeting of the governing body's Appeal Committee must be convened to hear the employee's appeal within 14 days of being informed of the employee's decision to appeal.

All employees have the right to be accompanied by a work colleague or trade union representative at this meeting

The employee must be notified of the outcome of the appeal in writing within 14 days of the meeting. The notification will either:

- uphold the appeal, specify the agreed variation and start date; or
- dismiss the appeal, state the grounds for the decision and a sufficient explanation of the refusal.

13 Extension of time-scales

If a headteacher (or Appeal Committee in the case of an appeal), requires more time to consider an employee's request, the headteacher and employee can agree to extend the aforementioned time limits. The headteacher/Appeal Committee must record this agreement in writing, specifying the period to which the extension relates and the date on which the extension is due to end. A copy of this record must be sent to the employee.

Flexible Working Request Form for Parents and Carers

1. Personal Details:

Employee Name:

School:

Job Title:

Headteacher's Name::

2. Please state your relationship with the child or adult (delete as appropriate)

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3. Have you previously made an application under this right?

No Yes* * Please state when your last application was made:

4. Describe your current working arrangements: (days/hours/times/place)

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5. Describe the working arrangements that would like to work in the future: (days/hours/times/place)

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6. I would like these working arrangement to commence with effect from:

____ / ____ /20 ____

7. Impact of the new working arrangements:

I think this change in my working hours/pattern of work will affect the school and my colleagues as follows:

8. Accommodating the new working arrangements:

I think the effect on the school and my colleagues can be dealt with as follows:

9. Employee Declaration:

I can confirm that:

- I am making this application under the statutory right to apply for flexible working
- I have worked continuously for MKC for the last 26 weeks.

Signed: _____ Date: _____

NOW PASS THIS REQUEST TO THE HEADTEACHER

School use:

1. Meeting arranged with employee to discuss request (within 28 days of application)

- Date: Not applicable because request agreed **and** employee informed in writing within 28 days of application.

2. Employee notified of outcome of request (within 14 days of meeting) Date:

3. Where request approved, Payroll and People Services (Schools Team) notified Date:

4. Appeal received (appeal meeting to be held within 14 days) Date:

5. Outcome: